

ITEM:

17

SUBJECT:

Dixon Commercial Properties, Monfort, Inc. (f/k/a Monfort of Colorado, Inc.), ConAgra Foods, Inc., and Greynom, Inc. (f/k/a Armour Food Company), Dixon Business Park, Solano County

BOARD ACTION:

Consideration of Cleanup and Abatement Order

BACKGROUND:

This Cleanup and Abatement Order is proposed for the Dixon Business Park (Site) to the current owner Dixon Commercial Properties; and the former owners, Monfort, Inc., ConAgra Foods, Inc., and Greynom, Inc. The Site is located at North 1st Street in Dixon, California and occupies approximately 50 acres. The Site has been partially developed by Dixon Commercial Properties (Dixon Properties).

Ownership History:

The site history of owners and operators, and the relationship of those owners and operators to one another is complex and explained in detail in the staff report. Dixon Commercial Properties, current owner, and former owners, Monfort, Inc., Con Agra Foods, Inc., and Greynom, Inc. have been identified as dischargers.

Regulatory History:

The Site was formerly used for meat processing from the mid 1930's to the late 1980's. When it was operating, the Site typically processed approximately 125 cattle and 1200 sheep, along with the rendering of scrap materials, on a daily basis. Wastewater from the meat processing operations was disposed in seven ponds (aerobic and anaerobic) for treatment, storage, and disposal. The Site was operated under Waste Discharge Requirements (WDRs) issued by the Regional Board from 1958 until 1993. In 1989, the Discharger (Monfort, Inc.) indicated that the facility would close and in 1990, with Regional Board concurrence, the Discharger removed all sludge from the ponds and spread it in agricultural areas adjacent to the Site.

However, groundwater contamination was not addressed until data in late 1989 and 1990 were submitted. Groundwater samples collected downgradient of the ponds at that time detected Nitrate (as NO₃) ranging from 100 to 200 mg/l, which exceeds the Primary Maximum Contaminant Level (MCL) of 45 mg/l. The groundwater sampling also detected Total Dissolved Solids (TDS) at 1300 mg/l, which exceeds the Agricultural Water Quality Limit. After reviewing the groundwater, analytical sampling data from the sludge that came from the ponds, and after closure of the ponds, it was concluded by Regional Board staff that the possible source of the nitrates was gone and that the Regional Board would "not pursue the high nitrate problem at this time". WDRs, issued to Armour Food Company/Con Agra Corporation (Order No. 93-052) for the ponds, were rescinded in 1993.

Redevelopment of the property led to a Site environmental assessment, conducted in 1999 by the new owner, Dixon Commercial Properties. This report showed nickel in the groundwater at 230 µg/l, which is above the primary MCL of 100 µg/l. In response to these findings, Regional Board staff requested additional groundwater sampling for nickel, as well as sampling for nitrate and

TDS because of the site history. Results showed that the nickel contamination was limited in extent and confirmed the continued presence of elevated nitrates and TDS. At the request of Regional Board staff, Dixon Commercial Properties installed four on-site monitoring wells. Analytical testing of these monitoring wells performed from 2001 to 2002 indicated that the upgradient concentrations of nitrates (as NO₃) range from 6.2 to 23 mg/L, which is below the MCL of 45 mg/l. The downgradient concentrations of nitrates (as NO₃) ranged from 62 to 220 mg/L, which is above the MCL for nitrates. The most recent groundwater sampling in 2004 indicates that nitrates were detected in onsite groundwater at concentrations ranging from 99 to 251 mg/L, and TDS was detected at concentrations ranging from 890 mg/L to 11,000 mg/L.

Proposed Cleanup and Abatement Order:

Regional Board staff believe that the nitrate and TDS pollutants detected in groundwater at the Dixon Business Park are creating a condition of pollution and nuisance and that the beneficial uses of groundwater have been impacted by past site operations. At this point, the dischargers are unresponsive.

The proposed Order would require the Dischargers to investigate the discharges of waste, cleanup the waste, and abate the effects of the waste caused by past activities at the site. Specifically, this proposed Order requires that the Dischargers conduct a water supply well survey, conduct a site assessment and provide a Feasibility Study and Cleanup Plan to address the groundwater pollution associated with the site.

ISSUES:

1. ConAgra, Foods Inc., and Monfort, Inc., believe they should not be named in this Order because the Regional Board previously concurred with the removal of pond sludge and closure of the ponds. Regional Board staff believe that recent groundwater data and historic groundwater investigations indicate that the former Site activities have impacted and continue to impact groundwater. Nitrate and TDS concentrations detected in groundwater beneath the Site continue to exceed applicable water quality objectives, with no indication that the concentrations are decreasing as could be expected.

2. Dixon Commercial Properties believes that they should be named as a secondarily responsible party in this Order. Regional Board staff believe Dixon Commercial Properties should not be secondarily named because they currently own and control the site, and past owners and operators have failed to complete investigations and cleanup of the Site.

RECOMMENDATION:

Adopt the proposed order.

Mgmt. Review _____
Legal Review _____

20/21 October 2005
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670